

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOWEY DANNENBERG COHEN, P.C., its
capacity as account holder of, and party with interest
in, the REZULIN SETTLEMENT FUND
Plaintiff

vs.

JAMES R. DUGAN, II, STEPHEN B. MURRAY
d/b/a THE MURRAY LAW FIRM, RAWLINGS
AND ASSOCIATES, PLLC, GREG MURPHY,
MORAIN & MURPHY, LLC, WALLACE
JORDAN RATLIFF & BRANDT, LLC ELWOOD
S. SIMON & ASSOCIATES, P.C., KERSHAW,
CUTTER & RATINOFF, LLP, BERMAN
DEVALERIO PEASE TABACCO BURT &
PUCILLO, MARK FISCHER, and GEORGE
RAWLINGS

Defendants

Case No. 08 Civ. 0461

HONORABLE KENNETH M.
KARAS

ECF CASE

**DEFENDANTS', JAMES R. DUGAN, II AND STEPHEN B. MURRAY d/b/a THE
MURRAY LAW FIRM, NOTICE OF MOTION TO DISMISS COMPLAINT AND BILL
IN NATURE OF INTERPLEADER**

PLEASE TAKE NOTICE that, upon the Memorandum of Law in Support of the Motion to Dismiss Complaint and Bill in Nature of Interpleader, and the exhibits thereto, Defendants, James R. Dugan, II and Stephen B. Murray d/b/a The Murray Law Firm, will move this Court before the Honorable Kenneth M. Karas, U.S.D.J., at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, pursuant to Rules 12(c) and 41(b) of the Federal Rules of Civil Procedure, for an Order granting Defendants', James R. Dugan, II and Stephen B. Murray d/b/a The Murray Law Firm, Motion to Dismiss Complaint and Bill in the Nature of Interpleader in its entirety.

Dated: New Orleans, Louisiana
January 23, 2008

/s/ Dane S. Ciolino

Dane S. Ciolino (DC-1964)
DANE S. CIOLINO, LLC
526 Pine Street, Fourth Floor
P.O. Box 850848
New Orleans, LA 70185-0848
Telephone: (504) 834-8519
Facsimile: (504) 324-0143
E-Mail: dciolino@loyno.edu

Counsel of record for Defendants, James R. Dugan,
II and Stephen B. Murray d/b/a The Murray Law
Firm

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2008, I caused to be electronically filed the foregoing Notice of Motion to Dismiss Complaint and Bill in Nature of Interpleader with the Clerk of the Court using the CM/ECF system which will send notification of such filing to registered counsel electronically. Pursuant to that notification, a true and exact copy of the foregoing was sent via email, fax, and/or U.S. mail to any party or counsel not receiving electronic service from CM/ECF by ordinary U.S. Mail, this 23rd day of January, 2008.

/s/ Dane S. Ciolino

Dane S. Ciolino (DC-1964)